

From: Joe Bowers
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I would like to register my objections to the Proposed Final Judgement of the United States vs. Microsoft.

As a professional software developer with experience working in Microsoft Windows and non-Windows environments, it is my opinion that by adopting very narrow definitions of "API", "Microsoft Middleware", "Microsoft Middleware Product", and "Windows Operating System Product", the proposed settlement offers ample opportunity for the Microsoft corporation to continue, and continue to profit from, anticompetitive conduct at the expense of software developers like myself, the distributors of computer hardware, and ultimately end users. Microsoft has illustrated great ingenuity and a true flair for "innovation" when it comes to discovering and perpetrating new damaging and illegal practices by which it can leverage its monopoly in one market into a monopoly in another market. Only by adopting much broader definitions that can include presently unforeseen technologies, development patterns, and release strategies, can we as a nation prevent Microsoft from continually throwing stumbling blocks in the way of competitive commerce and the advance of the state of the art of computing.

In addition, the amount of information the proposed settlement requires Microsoft to reveal and the required timeframes for revealing that information are respectively too little and too late. The various practices explicitly allowed by the settlement including limitations on the use of published APIs, the withholding of patent information by Microsoft, the ability for Microsoft to legally discriminate against OEMs not in the "top twenty" for distributing non-Microsoft products, and continued tolerance of limitations on the development of publicly available software in Microsofts licensing all contribute to my belief that the proposed judgement will

do nothing but block further legal recourse
with respect to Microsoft's illegal and damaging practices.

Please, consider the state of the art and
the state of the business of software and software
development before committing to such
and ineffective settlement with a criminal
organization.

Thank You,

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